

REMARKS

The Applicants would like to thank the Examiner for holding an Interview with the Applicant's representative on April 2, 2003, during which proposed claims were submitted by the Applicants.

Claims 1-27 were pending in the action. Claims 1-27 are cancelled, without prejudice to or disclaimer of the subject matter recited therein, and new claims 28-29 are added. Claim 28 is the independent claim.

Drawings

As noted above, the Applicants have cancelled claims 1-27, which renders moot the Examiner's objections to the drawings. A proposed new drawing sheet providing Figure 10 is submitted for approval by the Examiner, which illustrates a flow diagram corresponding to acts recited in claims 28-29. It is respectfully submitted that the new figure (Figure 10) conforms to 37 CFR 1.83(a).

Written Description

The specification has been amended to include a brief description of Figure 10.

Claim Rejections – 35 U.S.C. §112

As noted above, claims 1-27 are cancelled. Thus, the Examiner's 112-rejections thereof are rendered moot.

Claim Rejections – 35 U.S.C. §103

As noted above, claims 1-27 are cancelled. Thus, the Examiner's 103-rejections thereof are also rendered moot.

New Claims 28 and 29

Claim 28 recites an exemplary method according to the present invention, and claim 29 depends from claim 28. In particular, claim 28 positively recites the intended privity between a user and a client. The preamble of claim 28 recites, "A method of recording Internet activity *performed by a user on behalf of a client*" (*emphasis added*); and the claim element "*a client session*" is expressly set forth. Therefore, it is respectfully submitted that the intended privity between a user acting on behalf of a client should be given patentable weight.

Accordingly, it is respectfully submitted that claims 28 and 29 are patentably distinguishable over the following cited references, which neither teach nor suggest the claimed privity between a user and a client:

Van Horne et al. (USPN 6,128,601);

Van Horne et al. (USPN 5,987,430);

Crawford (USPN 6,014,651);

Bisbee et al. (USPN 6,367,013);

Mundy et al. (USPN 6,317,792);

Thompson et al. (USPN 6,282,552); and

Ferguson et al. (USPN 5,819,902).

Van Horne ('601) and Van Horne ('430) are directed to a communication network in which client computers are remotely connected to the network. The client computers are therewith provided Internet access, for which they are billed. Thus, the users are billed for their Internet usage. Accordingly, neither Van Horne reference discloses or suggests the privity expressly recited in claim 28.

Crawford ('651) teaches a customer computer that connects to an online service provider, which provides the customer computer with access to additional resources, such as processing, storage, and software resources. Access thereto is tracked and billed. Thus, the customers are billed for their respective access to resources. Accordingly, Crawford does not disclose or suggest the privity expressly recited in claim 28.

Bisbee ('013) teaches a system and method for electronically transmitting, storing, and retrieving authenticated electronic documents, which creates a level of trust in the authenticity and/or integrity of documents and electronic signatures thereof, where the trust level can extend beyond any expiry date of a pre-existing digital signature of a particular document. Further, tracking of document versions (11:5-19) is disclosed, in which modified versions are archived or otherwise stored, so as to provide an evidentiary chain. Accordingly, Bisbee does not disclose or suggest the privity expressly recited in claim 28.

Mundy ('792) teaches a system/method for cost-effective access to network resources. Usage profiles are created for users based on their respective network accesses, and when usage according to such a profile would cost the user less money under a different usage plan (flat rate, monthly, hourly, etc.), the user is notified. Thus, Mundy does not disclose or teach the privity expressly recited in claim 28.

Thompson ('552) teaches a method for implementing a dynamically changing bill. The bill is passed to a recipient, who can make changes to the bill. These changes are tracked. This bill is not based on the tracked changes to the bill. Thus, Thompson does not disclose or teach the privity expressly recited in claim 28.

Ferguson ('902) teaches a system that allows developers to create on-line commercial services, as well as associated fee structures. The fee structure defines fees for users of the created service and third-party content providers of the service. Here, users are those who utilize an on-line commercial service, and third-party content providers are those who advertise in conjunction with the service (pop-ups, banner-ads, links, etc.), or conduct transactions with users who are referred therewith by/through the service (referral fees, etc.). Here, users are billed for their usage. Accordingly, Ferguson does not teach or disclose the privity expressly recited in claim 28.

Hajmiragha ('460) discloses a document management system that allows pre-designated users at remotely located computers to perform document management. The system allows user interaction with the system, such as secure document collaboration, document sharing and archiving, contextual indexing of documents, digitally notarizing of documents, and electrically filing and publishing of documents. To interact with the system, users must be authenticated (3:55-4:11). The document management system provides logging and auditing of "[a]ll user interaction with the [document management] system (4:7-9).

In stark contrast, claim 28 expressly recites "generating an activity record corresponding to [an] Internet activity performed by the user," where "[such an] Internet activity comprises a request for data from a publicly available Internet location."

Notably, a “publicly available” Internet location can be accessed by anyone (the public), and an “activity record” of such Internet activity is generated. Indeed, Hajmiragha does not disclose or suggest the recordation of a request for data from a publicly available Internet location. Rather, Hajmiragha is concerned about user interactions with *his* document management system (4:7-9). It should be noted that while Hajmiragha discloses a public data network (i.e., the Internet), such disclosure is limited to providing users with access to his document management system, which is not publicly available, since users must be authenticated before they may interact therewith (3:55-4:21). Therefore, for at least this reason, it is respectfully submitted that claim 28 is patentably distinguishable over Hajmiragha.

Claim 29 depends from claim 28. Claim 29 recites additional activities performed by a user when interacting with an Internet site (See, for example, 3:5-11 of the Specification). Since claim 29 contains all the limitations of claim 28, it is respectfully submitted that claim 29 is also patentably distinguishable over Hajmiragha.

REQUESTED ACTION

The Applicants respectfully submit that claims 28 and 29 are patentably distinguishable over the cited art and are in condition for allowance. Therefore, it is respectfully requested that the claims be allowed, and this case passed to issue.

If the Examiner has any questions or believes a telephone interview will expedite examination of this application, he is welcomed to contact the attorney below.

Respectfully submitted,

April 7, 2003

Date

A handwritten signature in cursive script, appearing to read "George F. Wallace", is written over a horizontal line.

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FIGURE 10

